REMARKS

Applicants have further considered the Examiner's Final Office Action, and an Interview conducted with the Examiner March 7, 2006. In responding thereto, a minor grammatical amendment, not for patentability purposes, has been made to claim 3. Claim 11 has been canceled so as to minimize the outstanding issues. Claims 1, 9, 10 are proposed to be amended to more clearly set forth the present invention.

Sung et al., unlike the pending claims is addressing merely the availability of a selected server to accept new communications. Sung et al. expressly states in this regard:

> "The router checks the status of the server that is referenced in the sticky IP cache table 50 at the process step 88, and determines whether the server is accepting new communications. At a decision block 100 the router interprets information and if the server's status is good then the router advances to a process step 92. In the process step 92 the router redirects the client to the server listed in the routing table 40" (Col. 7, ll. 58-65, Sung et al.; emphasis ours)

What Sung et al. is teaching as described above is the importance of determining if "the server is accepting new communications". This relates to availability of the subject server and not the above noted limitation from the pending claims. Once the server of Sung et al. is determined to be available there is absolutely no further consideration as to "determining if the device is authorized to access the proxy server" as claimed. Rather, as is clear from step 92, Fig. 5A Sung et al., the router merely directs the client to the subject server.

As the Examiner is aware, anticipation requires that the allegedly anticipating documents disclose the claimed limitations in their entirety as claimed. As set forth in the MPEP in this regard:

> "The identical invention must be shown in as complete detail as is claimed in the...The elements must be arranged as required by the claim" (MPEP 8 ed, rev (May 2004) pg 2100-73)

Thus, none of pending claims 1-5, 9, 10 are anticipated by Sung et al.

For at least the above reasons all of the pending claims, including 1-5, 9, and 10 are allowable. The proposed limiting amendments should not require an additional search. Entry of this amendment and allowance of the application are respectfully requested.

The undersigned attorney would like to further discuss the outstanding Office Action, the art and the pending claims with the Examiner via telephone interview. He will contact the Examiner in a few days to schedule same.

Respectfully submitted,

Dated: March 9, 2006

By 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/986,484
Applicant(s)	:	Robert Boxall et al.
Filed	:	October 22, 2001
TC/A.U.	:	2664
Examiner	:	Brenda H. Pham
Docket No.	:	9467/95398
Customer No.	:	24628
Title	:	System and Method of Providing Computer Networking

Confirmation No.: 5130

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, under Express Mail Label No. EV 737 739 346 US on this

February 23, 2006
Date

Carl Stanley
CARL STANLEY

AMENDMENT B

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Responsive to a Final Office Action mailed November 28, 2005 with a three-month response interval, please make the following amendments to the above-identified application:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Previously Presented) A method of bypassing proxy settings of a computing device on a network wherein the proxy settings do not correspond to the network, the method comprising the steps of:

receiving a request from the computing device in the form of a DNS or IP address;

determining if the request is directed to a proxy server, and responsive thereto, determining a level of access to the proxy server; and

responding to the request with the identification of a proxy server associated with the network.

2. (Original) The method of claim1 wherein the step of determining comprises the step of:

analyzing at least one of the user, the request and a response received by the network in response to the request.

3. (Currently Amended) The method of claim 1 wherein the step of receiving comprises the step of receiving a DNS request, and, wherein the step of determining comprises the step of analyzing the response ~~is~~ received by the network in response to the request.

4. (Original) The method of claim 3 wherein the step of responding comprises the step of providing the IP address of the proxy server associated with the network.

5. (Original) The method of claim 1 wherein the step of responding comprises the step of redirecting the request to the proxy server associated with the network.

6. (Previously Presented) A method of bypassing proxy settings of a computing device on a network wherein the proxy settings do not correspond to the network, the method comprising the steps of:

receiving a request from the computing device in the form of a DNS or IP address;

determining if the request is directed to a proxy server;

responding to the request with the identification of a proxy server associated with the network;

receiving a request from the computing device directed to the proxy server associated with the network, after the step of responding; and

determining the level of access to the proxy server;

redirecting the computing device to a predetermined location if the level of access is determined to not include access outside of the proxy server; and

allowing the request to proceed to the proxy server associated with the network if the level of access is determined to include access outside of the proxy server.

7. (Original) The method of claim 6 wherein the predetermined location comprises a site which requires a login.

8. (Original) The method of claim 6 wherein the step of redirecting further comprises the steps of:

requesting a login from the computing device;

processing the login; and

redirecting the request to proceed to the proxy server upon successful processing.

9. (Previously Presented) A machine executable code for bypassing proxy settings of a computing device on network wherein the proxy settings do not correspond to the network comprising:

means for receiving a request from the computing device in the form of a DNS or IP address;

means for determining if the request is directed to a proxy server, and responsive thereto determining a level of access to the proxy server; and

means for responding to the request with the identification of a proxy server associated with the network.

10. (Previously Presented) A method of bypassing proxy settings of a computing device on a network wherein the proxy settings do not correspond to the network, the method comprising the steps of:

receiving a request from the computing device in the form of a DNS request;

determining if the DNS request is directed to a proxy server, and responsive thereto, determining a level of access to the proxy server; and

responding to the request with the IP address of a proxy server associated with the network.

11. (Canceled).

REMARKS

Applicants have carefully considered the Examiner's Final Office Action. In responding thereto, a minor grammatical amendment, not for patentability purposes, has been made to claim 3. Claim 11 has been canceled so as to minimize the outstanding issues.

On page 3 of the Office Action, numbered section 4, the Examiner asserted that the Sung et al. teaches the following limitation present in all of the rejected claims in one form or another:

"determining a level of access to the proxy server"

In support of this position the Examiner argued that the above identified limitation was taught:

"by determining the status of the server (step 100 of figure 5A)"
(page 3, numbered section 4 of Office Action)

However, Sung et al., unlike the limitation of the pending claims is addressing merely the availability of a selected server to accept new communications. Sung et al. expressly states in this regard:

> "The router checks the status of the server that is referenced in the sticky IP cache table 50 at the process step 88, and determines whether the server is accepting new communications. At a decision block 100 the router interprets information and if the server's status is good then the router advances to a process step 92. In the process step 92 the router redirects the client to the server listed in the routing table 40" (Col. 7, ll. 58-65, Sung et al.; emphasis ours)

What Sung et al. is teaching as described above is the importance of determining if "the server is accepting new communications". This relates to availability of the subject server and not the above noted limitation from the pending claims. Once the server of Sung et al. is determined to be available there is absolutely no further consideration as to "determining a level of access to the proxy server" as claimed.

Rather, as is clear from step 92, Fig. 5A Sung et al., the router merely directs the client to the subject server.

As the Examiner is aware, anticipation requires that the allegedly anticipating documents disclose the claimed limitations in their entirety as claimed. As set forth in the MPEP in this regard:

> "The identical invention must be shown in as complete detail as is claimed in the...The elements must be arranged as required by the claim" (MPEP 8 ed, rev (May 2004) pg 2100-73)

Thus, for at least the above reasons, none of pending claims 1-5, 9, 10 are anticipated by Sung et al.

Further, on page 2 of the Office Action in rejecting the above-identified claims in view of Sung et al. the Examiner stated that Sung et al. teaches:

> "determining a level of access to proxy server (see figure 5, steps 84, 88, 100, 92 and column 7, lines 20-67)" (Page 2 Office Action, numbered section 3)

However, as described previously Fig. 5 and the associated steps therein merely address whether or not a particular server "is accepting new communications" (Col. 7, ll. 60, 61 Sung et al.) which addresses availability and not the claimed limitation. Simply put, Sung et al. does not determine a "level of access to proxy server" as argued on page 2 of the Office Action.

For at least the above reasons all of the pending claims, including 1-5, 9, and 10 are allowable. Allowance of the application is respectfully requested.

The undersigned attorney would like to discuss the outstanding Office Action, the art and the pending claims with the Examiner via telephone interview. He will contact the Examiner in a few days to schedule same.

Respectfully submitted,

Dated: February 22, 2006

By _____

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